

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Case: Utah Chapter of the Sierra Club vs
Division of Oil, Gas & Mining
Docket No.: 2009-019 Cause No. C/025/0005
Reporter: Tamera Stephens, Q&A Reporting, Inc.
1872 South Main, Salt Lake City, Utah 84115

WITNESS CERTIFICATE

State of Utah)
ss.
County of Salt Lake)

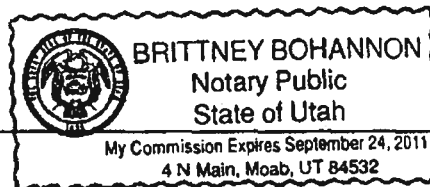
I, JODY PATTERSON, HEREBY DECLARE: That I am the
witness referred to in the foregoing testimony; that I have
read the transcript and know the contents thereof; that with
these corrections I have noted this transcript truly and
accurately reflects my testimony.

PAGE-LINE	CHANGE/CORRECTION	REASON
-----------	-------------------	--------

X No corrections were made.

Jody Patterson
JODY PATTERSON

SUBSCRIBED and SWORN to at Grand,
Utah, this 22 day of March, 2010.



Brittney Bohannon
Notary Public

1 prepared by Montgomery Archeological Consultants?

2 A. Not to my knowledge.

3 Q. With what personnel at Montgomery Archeological
4 Consultants did ACD deal in the preparation of this plan?

5 A. Mainly Jody Patterson and Patricia Stavish.

6 MR. MORRIS: Thank you, sir. I would like to
7 question Mr. Patterson, then. Thank you for your testimony.

8 JODY PATTERSON,

9 being first placed under oath, was examined and testified as
10 follows:

11 EXAMINATION

12 BY MR. MORRIS:

13 Q. Would you state your name for the record.

14 A. Jody Patterson.

15 Q. How are you employed, Mr. Patterson?

16 A. I work for Montgomery Archeological Consultants as
17 a principal investigator.

18 Q. Mr. Patterson, I am Walton Morris. I am one of
19 the lawyers for the Utah Chapter of the Sierra Club and the
20 other petitioners in this proceeding before the Board of
21 Oil, Gas and Mining concerning the approval of the Coal
22 Hollow mining permit that Alton Coal Development, LLC,
23 obtained back last October.

24 A. Uh-huh (affirmative).

25 Q. Have you ever been deposed before?

1 A. No, sir.

2 Q. The process of deposition is one in which I as the
3 attorney for the petitioners question you as a
4 representative of Alton Coal Development. Do you understand
5 that you appear here by reason of Alton Coal Development's
6 designation of you as the witness to speak for Alton Coal
7 Development on these cultural and historic resource issues?

8 A. Yes, sir.

9 Q. You understand that the testimony you give will be
10 the testimony of Alton Coal Development as well as your own
11 personal testimony?

12 A. Yes, sir.

13 Q. Okay. If at any time during the deposition I ask
14 a question that you don't fully understand or would like for
15 me to rephrase in another way, let me know that, and I will
16 try to be as clear as I possibly can.

17 If you need to take a break during any time in the
18 deposition, I want you to feel free to ask to take a break,
19 and I will most certainly try to accommodate you in a
20 situation like that.

21 How long have you been employed by Montgomery
22 Archeological Consultants?

23 A. I began working for Montgomery's in spring/summer
24 of 2001.

25 Q. Please describe the nature of the work that

1 Montgomery Archeological Consultants did in connection with
2 the Coal Hollow permit application.

3 A. We did several things. Our initial work on Alton
4 Coal was to provide a Class 1 literature review of all the
5 previous inventories that had taken place in and around the
6 area.

7 We also did a small survey of some drill hole
8 locations that they needed for testing, I believe, coal,
9 depth and everything. I'm not sure exactly what the drill
10 holes were for, but we surveyed in an area around those to
11 make sure there were no cultural resources.

12 Then we did the cultural resource inventory of the
13 area that would be considered private coal, private surface.
14 And we also completed a cultural resource inventory of the
15 greater lease area that incorporates, you know, the
16 boundaries that are shown on most of the maps.

17 And then we participated in writing the cultural
18 resource management plan in conjunction with Alton Coal and
19 various agencies, including the BLM Division of Oil, Gas and
20 Mining, PLPCO and SHPO.

21 Q. Was there also a data recovery plan?

22 A. Yes, there was a data recovery plan, too.

23 Q. Did Montgomery Archeological Consultants play a
24 role in developing the data recovery plan?

25 A. Yes, sir.

1 MR. MORRIS: I will ask the court reporter to mark
2 this as Exhibit-1.

3 (Exhibit-1 was marked.)

4 MR. MORRIS: And I will say to counsel that for
5 these cultural and resource questions, I do not have extra
6 copies of the exhibits, so we will pass them around as need
7 be and then copy them else-wise.

8 MS. DRAGOO: That's fine.

9 Q. Ask you to take a look at Exhibit-1.

10 A. Uh-huh (affirmative).

11 Q. You described two distinct geographic areas, I
12 think, in terms of what Montgomery Archeological Consultants
13 did, their focuses.

14 A. Uh-huh (affirmative).

15 Q. Do you recognize, first of all, this map?

16 A. Yes, sir.

17 Q. What is the map for the record?

18 A. More or less.

19 Pardon?

20 Q. What is the map?

21 A. The map shows in blue the proposed BLM lease
22 areas, and another area that's pink that has private
23 surface, private coal, and private surface, federal coal.

24 Q. All right. Were those the two areas that you
25 referred to earlier in describing the different focuses?

1 A. No, sir, they are not.

2 Q. They are not.

3 Are they related to those areas at all?

4 A. The first cultural resource survey that we did was
5 for the private surface, private coal.

6 Q. That would be the pink area shown on the map?

7 A. Except for this T-shaped area shown on this map.
8 This was what our original survey for Alton Coal was.

9 Q. For the record, the "T" that you referred to
10 appears to be in the northern portion of the area shaded in
11 pink?

12 A. Yeah. It's that area in Section 19 and Section
13 30.

14 Q. Okay.

15 A. And designated by this dotted blue line.

16 Q. All right. And how about the blue area? Is that
17 an accurate depiction of the entire -- the blue and the pink
18 areas together -- do the blue and the pink areas together
19 correctly depict the entire area of your firm's focus?

20 A. For the most part, I would have to say yes.
21 Without looking at our cultural resource survey management
22 report, I could not verify those boundaries by memory.

23 MS. DRAGOO: Could you clarify what you meant by
24 "focus"?

25 MR. MORRIS: Well, he described a different focus

1 for one part of the work than for another geographically,
2 and that's what I am trying to get on the record, just
3 whether this map depicts those two separate areas of focus.

4 MS. DRAGOO: And in terms of "focus," you mean
5 inventory?

6 MR. MORRIS: Yes.

7 MS. DRAGOO: Okay. Thank you.

8 Did you understand that "focus" meant "inventory"?

9 THE WITNESS: Yes, I did.

10 A. Now, I can say that actually I know this map does
11 not accurately reflect one of those reports because one of
12 the reports that we did that covered a lot of the lease
13 areas actually covered a bigger area than what is shown on
14 this map. And this was actually -- the boundaries were
15 changed.

16 So we actually have areas that are in our cultural
17 resource Class 3 inventory report that is larger than this.

18 Q. All right.

19 A. And the reason I know that is because the Alton
20 Cemetery is not included in that boundary, and when we did
21 our survey, it was.

22 Q. All right. Anything else that you note that is
23 not shaded either blue or pink that was within the scope of
24 your surveys?

25 A. Not that I can recall.

1 Q. All right. Were there any other documents that
2 Montgomery Archeological Consultants submitted in support of
3 the Division of Oil, Gas and Mining's review of the Coal
4 Hollow permit application, besides the ones -- the three
5 that you discussed, I believe the cultural resource
6 inventory, cultural resource management plan, and data
7 recovery plan?

8 A. I think those are the -- the cultural resource
9 management inventories, which there were several of, the
10 data recovery plan, and the cultural resource management
11 plan, that is what has been done to date to my knowledge.

12 Q. Please describe the purpose of the cultural
13 resource inventory.

14 A. The cultural resource inventories at the Class 3
15 level or the Class 1 level, sir?

16 Q. Let's start with the Class 1 level.

17 A. Okay. They call them cultural resource
18 inventories, they call them Class 1s. Those are literally
19 the literature reviews where we go into the state records,
20 the BLM records, and identify all of the previous
21 inventories and previous archeological and historic
22 resources that are known to be within a general area, and we
23 basically produce a report that details those findings and
24 submit that.

25 It's usually used as a guiding document in

1 determining how much more additional inventory and at what
2 level is required.

3 Q. All right. And did you say Level 3?

4 A. Level 3.

5 Q. Is there a Level 2?

6 A. There is a Level 2. Level 2 inventory is a
7 sampling inventory where specific areas within a larger
8 project area are selected and surveyed for cultural
9 resources.

10 Q. Did you do a Level 2?

11 A. Level 2 is not required on this.

12 Q. Okay. So you did a Level 1.

13 A. Uh-huh (affirmative).

14 Q. And then a Level 3. Would you describe a Level 3.

15 A. Level 3 is an intensive survey of an entire
16 project area or undertaking as defined be the proponent when
17 we get it.

18 Q. Does ACD agree that the purpose of the cultural
19 resource inventory is the identification of properties that
20 may be eligible for the National Register of Historic
21 Places?

22 A. Yes.

23 Q. Does ACD agree that the cultural resource
24 inventory does not evaluate and address the impacts of the
25 Coal Hollow Mine on any historic property?

1 A. Can you say that again, please.

2 Q. Does ACD agree that the cultural resource
3 inventory for the Coal Hollow Mine does not evaluate and
4 address the impacts of the mine on any historic property?

5 A. In my understanding, I would disagree with that
6 statement because the cultural resource inventory serves as
7 the basis for making those determinations.

8 Q. I don't understand your distinction, so let me ask
9 you to explain for the record, please.

10 A. In a cultural resource management -- or in a
11 cultural resource inventory report, there is an idea of the
12 undertaking and those effects to sites have recommendations
13 made as to whether they should be avoided, if they do not
14 need to be avoided, or if they need to be mitigated in some
15 way.

16 What agencies do with that information is above
17 and beyond what Alton Coal can do, but those recommendations
18 are made based on the archeologists who are on the field and
19 their findings.

20 Q. In this instance, however, did the cultural
21 resource inventory address any historic property? Any
22 property on or eligible for the listing on the National
23 Register of Historic Places?

24 A. I am kind of confused. I'm sorry.

25 The purpose of the cultural resource inventory is

1 to identify those properties.

2 Q. And did it identify properties?

3 A. Oh, yes. Absolutely.

4 Q. I see. How many?

5 A. I don't remember the exact number, but off the top
6 of my head, overall within the area shown on this map and
7 both projects, there are between 60 and 70 sites, if I
8 recall correctly.

9 Q. Okay. And with respect, now, again, to the Coal
10 Hollow permit application to the Division of Oil, Gas and
11 Mining, did your firm identify all 60 with respect to those,
12 to that project?

13 A. Yes.

14 Q. Did there come a time when your firm designated
15 the entire -- or subdivided the entire geographic scope of
16 its work into Phase 1 and Phase 2?

17 A. We conducted our surveys based on what the
18 proponent gave us and said that they needed to have looked
19 at, so that was not done by us. If you are talking about
20 when we did this survey versus when we did the big BLM
21 portion of the survey.

22 Q. Let me rephrase my question, then. Did there come
23 a time when Alton Coal Development or the division
24 designated or subdivided the area, the geographical area of
25 your inquiry into Phase 1 and Phase 2?

1 A. I don't know.

2 Q. Okay. Earlier you described your work in terms of
3 undertakings.

4 A. Uh-huh (affirmative).

5 Q. What was the undertaking, or what were the
6 undertakings, if there were more than one, involved in the
7 work that Montgomery did in this instance?

8 A. The undertaking that was given to us originally
9 was that Alton wanted to develop an open-pit coal mine, and
10 within the first area they gave us, they kind of delineated
11 where that pit was going to be and where some of the
12 auxiliary facilities were going to be as well.

13 Q. Is the area that Alton Coal identified to you
14 depicted on Exhibit-1?

15 A. More or less, yes, sir.

16 Q. And would you describe for the record how it is
17 depicted. How does one determine that --

18 A. The original area that we inventoried that they
19 said was of greatest concern, where the open pit and a lot
20 of facilities were going to be are defined on this map as
21 the pink that would be private surface, private coal.

22 Q. Insofar as you know, just for the record, that was
23 never designated as Phase 1 for you or for your company?

24 A. In conversations we have had with Alton Coal, it
25 was -- this was identified as what they wanted to get

1 started on, and then if they got the BLM leases, they would
2 move on to other areas. So, yes, there was a phased
3 approach, but we were never -- you know, "Come do Phase 1,
4 come do Phase 2." It was always presented in those terms to
5 the best of my knowledge.

6 Q. But as a practical matter, there was a Phase 1,
7 and that is what is shown in pink, more or less, I think you
8 said.

9 A. More or less except for the T.

10 Q. Except for the T. And a Phase 2, which would be
11 the area shown in blue plus the Alton Cemetery?

12 A. Yeah.

13 Q. Did Montgomery Archeological Consultants provide
14 ACD with any analysis of effects on historic properties
15 located completely outside the area identified in pink on
16 Figure 2 --

17 A. We would not know --

18 Q. -- on Exhibit-1.

19 A. Pardon?

20 Q. I'm sorry. Identified in pink on Exhibit-1.

21 A. Anywhere in the pink?

22 Q. No. Anywhere outside of the pink.

23 A. Of course, we conducted the inventories in the
24 blue areas as well, but, to my knowledge, we haven't really
25 addressed any impacts to those sites yet because we don't

1 know what those impacts are going to be, and even if they
2 are going to have those leases yet, although they have been
3 inventoried.

4 Q. Right. So, again, my question was, did Montgomery
5 Archeological Consultants provide ACD with any analysis of
6 the effects of the mine on historic properties that are
7 located completely outside of the area shown in pink on
8 Exhibit-1?

9 A. Yes.

10 Q. Which?

11 A. There was one site that straddled that boundary
12 which impacts were considered on, as well as some other
13 cultural resources that were along the edge of that area,
14 this pink and blue border, that also straddled those legal
15 designated lines that we suggested that they avoid.

16 Q. All right. But were there -- were any of the
17 areas you just referred to in your last answer completely
18 outside of the pink area?

19 A. No, sir.

20 Q. Thank you.

21 Does ACD agree that the cultural resources
22 inventory was prepared to address the division's approval of
23 the Coal Hollow Mine application?

24 A. Yes.

25 Q. Does ACD agree that the cultural resources

1 inventory was also prepared to address the lease by
2 application decision to be made separately by the Bureau of
3 Land Management?

4 A. Can you read that again, please.

5 Q. Does ACD agree that the cultural resource
6 inventory was also prepared to address the lease by
7 application decision to be made separately by the Bureau of
8 Land Management?

9 A. Yes.

10 Q. Do you agree that ACD's request for a lease by
11 application has not been approved?

12 A. To the best of my knowledge.

13 Q. Again, you are responding for ACD. Do you -- are
14 you prepared to say whether that is true or not?

15 A. I am not. There's just issues that we are not --
16 as their contractor we are not aware of.

17 Q. I understand.

18 Do you agree that the evaluation of the effects of
19 the lease by application on cultural resources has not been
20 completed?

21 A. No, it has been completed. The cultural resource
22 inventory?

23 Q. No, the evaluation of effects, the analysis.

24 A. Oh, I'm sorry. I misunderstood.

25 To the best of my knowledge, that has not been

1 completed.

2 Q. In addition to the cultural resource inventory,
3 Montgomery Archeological Consultants prepared a cultural
4 resource management plan for Alton Coal Development's
5 proposed development of the Alton Amphitheater in Sink
6 Valley; is that correct?

7 A. Yes, sir.

8 Q. Are you familiar with the cultural resources
9 management plan prepared for the Coal Hollow Mine permit?

10 A. Yes, sir.

11 Q. Is it dated May 23, 2008?

12 A. The second draft, working draft, is dated that,
13 yes.

14 Q. Was that the final draft?

15 A. There is no final draft yet. It is still in the
16 second draft. It is a living document. Or it is being
17 considered as such. So additions will be made to it if the
18 LBI stuff is added into it. Once that's finalized.

19 Q. Was the May 23, 2008, cultural resources
20 management plan final as -- or with respect to the Alton
21 Coal Development application for mining on private lands?

22 A. Yes.

23 Q. There were no changes made to it after May 23,
24 2008, prior to the permit approval on October 15th of 2009?

25 A. No changes.

1 Q. Does ACD agree that the cultural resource
2 management plan was prepared to address both the division's
3 approval of the Coal Hollow Mine permit application and
4 BLM's approval of ACD's lease by application request?

5 A. Yes.

6 Q. Does ACD agree that Montgomery Archeological
7 Consultants was involved in preparing documentation to
8 support the division's determination of eligibility and
9 effect?

10 A. Yes.

11 Q. Was the work conducted by Montgomery Archeological
12 Consultants in connection with the division's determination
13 of eligibility and effect limited to 15 historic properties?

14 A. I do not recall. I would have to look that
15 information up, sir.

16 MR. MORRIS: Ask the court reporter to mark
17 Exhibit-2.

18 (Exhibit-2 was marked.)

19 MR. MORRIS: Counsel, if you could pass it to the
20 witness when you are finished.

21 Q. Mr. Patterson, does this refresh your recollection
22 as to whether the division's determination of eligibility
23 and effect was limited to 15 historic properties?

24 A. Yes, sir.

25 Q. Was it, in fact, limited -- so limited?

1 A. Yes. If this -- yes.

2 Q. Thank you.

3 MS. DRAGOO: Can we just identify the document for
4 the record.

5 Q. Please.

6 A. Do you want me --

7 Q. Would you, please.

8 A. This is the concurrence letter that -- it looks

9 like Oil, Gas and Mining sent to the SHPO for concurrence on
10 the archeological sites identified in our initial survey
11 report.

12 Q. Would you state the date of the letter.

13 A. July 10, 2008.

14 Q. And the author of the letter. Or, I'm sorry, the
15 person to whom the letter was sent.

16 A. Martin Wilson, who is the State Historic
17 Preservation officer.

18 Q. And the author of the letter.

19 A. Daron Haddock.

20 Q. All right, sir. Thank you.

21 Did Montgomery Archeological Consultants look at
22 the lease by application area in preparing documentation to
23 support the Division of Oil, Gas and Mining's determination
24 of eligibility and effect?

25 A. I'm not sure if that went through the Division of

1 Oil, Gas and Mining or if that went through the BLM.

2 Q. Or both?

3 A. It probably would go through both, but I'm not
4 sure who -- I cannot recall right off the top of my head who
5 was the lead agency on that, because I know that we sent
6 that information to the BLM as well. But I would assume
7 that it would be submitted -- yeah -- memory is coming back.
8 It's been a while.

9 Yes, it went to both.

10 Q. It went to both?

11 A. Yes.

12 Q. Thank you, sir.

13 Did Montgomery Archeological Consultants look at
14 the lease by application area in preparing the data recovery
15 plan?

16 A. No.

17 Q. Are you familiar with the permit area identified
18 in ACD's Coal Hollow Mine permit application?

19 A. Not the exact boundaries. The general area.

20 Q. You are familiar with the general area, did you
21 say?

22 A. Yeah. Basically what's shown on the map.

23 Q. Shown in pink?

24 A. Yeah.

25 Q. Just so that I am clear and you are certain of

1 what I mean by my next few questions, you defined -- you
2 were referring to Exhibit-1 in your last answer, were you
3 not?

4 A. Uh-huh (affirmative).

5 Q. And you responded that the permit area was, to
6 your knowledge, the area shown in pink; is that correct?

7 A. A little clarification. When I look at this map,
8 what I see is actually the work that we have done and the
9 project areas that are defined by the work that we did and
10 not necessarily what Alton Coal has proposed. So this area
11 in pink minus this area in T, I see as one area. The rest
12 of it, including this pink T, I see as a second area. And
13 that correlates to what our cultural resource inventories
14 covered.

15 Q. So your understanding of the permit area is the
16 area shown in pink on Exhibit-1 less the T at the north end
17 of that pink area?

18 A. Yes.

19 Q. All right. Referring to that in my subsequent
20 questions as the permit area, and recognizing that you are
21 doing the very best you can with the exhibit there, did
22 Montgomery Archeological Consultants make an evaluation of
23 the effect of the Coal Hollow Mine as proposed in the permit
24 application to the division on any historic resources that
25 are completely outside the permit area?

1 A. No.

2 Q. Did ACD submit any information to the division
3 addressing the impacts of the proposed Coal Hollow Mine on
4 the Panguitch National Historic District?

5 A. Can you read the first part of the question again?

6 Q. Did ACD submit any information to the division
7 addressing the impacts of the Coal Hollow Mine on the
8 Panguitch National Historic District?

9 A. I do not -- I cannot answer that because I don't
10 know above and beyond. I know Montgomery didn't submit
11 anything to ACD.

12 Q. I'm sorry. Please repeat. Did or did not submit?

13 A. Montgomery has not submitted anything in the
14 cultural resource reports to them. Although, we are not
15 their only contractors.

16 Q. I understand.

17 MR. MORRIS: That's all the questions I -- excuse
18 me.

19 MR. ALLEN: Shall we go off the record?

20 (Discussion off the record.)

21 MR. MORRIS: Back on the record.

22 Q. During your dealings with the State Historic
23 Preservation Office on the Coal Hollow Mine, did there ever
24 come a time when anyone with that office suggested that the
25 cultural and historic resources analysis for the Coal Hollow

1 Mine should include consideration of its effects on the
2 Panguitch National Historic District?

3 A. Yes. And in those regards, in the cultural
4 resource management plan, SHPO specifically asked that we
5 include the Panguitch Historical District in there, but
6 because that district was being analyzed as the cumulative
7 effects of the EIS that was being proposed, that we did not
8 need to reinvent the wheel and put that analysis into the

9 CRMP. It was just noted in the CRMP that this is something
10 that needs to be considered but kind of defers to the EIS,
11 which was still collecting data and doing analysis at that
12 time.

13 Q. So if I understand your testimony correctly, and
14 please correct me if I'm wrong, there was no actual
15 consideration of the effect of the mine on the Panguitch
16 Historical -- National Historical District in connection
17 with the work done prior to the approval of the Coal Hollow
18 permit application?

19 A. It was being analyzed under the EIS, which was
20 done before the permit.

21 Q. Was any information on that submitted to the
22 Division of Oil, Gas and Mining?

23 A. Not to my knowledge.

24 Q. Did the State Historic Preservation Office ask or
25 recommend consideration of effects on the Panguitch National

1 Historic District in connection with the approval of the
2 Coal Hollow Mine?

3 A. They did not ask me. I'm not sure if -- you would
4 have to talk to SHPO to know what they were requesting
5 because I really don't know.

6 Q. But they made no request to you?

7 A. Not for analysis or anything, no.

8 MR. MORRIS: That's all the questions I have.

9 Thank you very much for your testimony.

10 THE WITNESS: Thank you. I'm sorry, your
11 questions were kind of hard to follow.

12 MR. MORRIS: You did a very good job.

13 EXAMINATION

14 BY MS. DRAGOO:

15 Q. I just had one follow-up question just to clarify.

16 You testified, referring to Exhibit-1, that the
17 permit area excluded the T area? Is that your
18 understanding? In pink.

19 A. If I were to go back to my documents, yeah, our
20 understanding would have been it would have been just
21 private surface, private coal, and that was the first area
22 we looked at.

23 Q. And was that first area that you looked at, which
24 I think you referred to as Phase 1; is that correct?

25 A. There seems to be confusion in phases and whatnot.

1 I don't think that we necessary went to try and synchronize
2 the cultural resource inventories that we have done with
3 necessarily with phases because they may not be right in
4 sync with each other. And that goes with the CRMP.

5 Two, is that our phases that we talk about in
6 dealing with mitigation and determination of effect and all
7 of that sort of thing may not necessarily be in sync with
8 the phases in the permit.

9 The CRMP and other things are kind of off in their
10 own little world, and the archeologists like to kind of
11 cluster around things. And so there can always be
12 confusion.

13 My understanding is that this was mostly the
14 permit area generally that was going --

15 Q. When you say "this," you are referring to the
16 entire pink area; is that correct?

17 A. I'm mostly thinking private surface, private coal.

18 Q. Okay. Just one follow-up question. Did you
19 conduct a cultural resources inventory of the private
20 surface and federal coal?

21 A. This pink area designated in this little sideways
22 T? Yes, that was done with -- at the same time that the
23 majority of the blue area on this map was surveyed.

24 MS. DRAGOO: Okay. Great. Thank you.

25 MR. MORRIS: Any questions by anyone else for this

1 witness?

2 MR. ALDER: I didn't think I was allowed.

3 MR. MORRIS: Thank you. Let's go off the record
4 and take a break.

5 (Break was taken from 10:31 a.m. to 11:10 a.m.)

6 ERIK CARL PETERSEN,
7 being first placed under oath, was examined and testified as
8 follows:

9 EXAMINATION

10 BY MR. MORRIS:

11 Q. Would you state your full name for the record,
12 please.

13 A. My name is Erik Carl Petersen.

14 Q. Where do you live, Mr. Petersen?

15 A. I live in Lehi, Utah.

16 Q. How are you employed?

17 A. I am the principal of Petersen Hydrologic, LLC.
18 We are consultants in hydrogeology.

19 Q. How long have you been so employed?

20 A. July of 2000 is when I started that enterprise.

21 Q. Would you state for the record your educational
22 background.

23 A. I have a bachelor's degree in geology from Brigham
24 Young University. I am a licensed professional geologist in
25 the state of Utah. And I have a master's degree in